

## Farm Service Agency, USDA

## § 704.3

counties in the area in which the landowner's farm or ranch is located;

(16) *Manageable unit* means a part of a field that can be farmed in a normal manner;

(17) *Operator* means a person who is in general control of the farming operations on the farm;

(18) *Owner* means a person who has legal ownership of farmland including a person who is buying farmland under a purchase agreement;

(19) *Participant* means an owner or operator who has entered into a CRP Contract;

(20) *Person* means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof;

(21) *Secretary* means the Secretary of the U.S. Department of Agriculture;

(22) *Soil Loss Tolerance (T)* represents the maximum level of annual soil erosion that will permit a high level of crop productivity to be sustained economically and indefinitely;

(23) *Technical assistance* means the assistance provided to owners or operators by a representative of the Department or as otherwise authorized by the Secretary in classifying cropland, developing conservation plans, inspecting eligibility of a designated area, and implementing and certifying conservation practices;

(24) *Tree planting plan* means the plan that sets forth the silvicultural treatment necessary for planting trees, in order to obtain adequate erosion control on eligible cropland. The plan shall include site location, number of acres, requirements for site preparation, tree species and specifications, planting dates, pre- and post-care of nursery stock, and maintenance to ensure survival; and

(25) *Vegetative cover* means perennial or permanent grasses, legumes, forbs, and shrubs with a lifespan of 5 or more years, or trees.

(b) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases specifically relating to FSA operations shall, unless the context of subject matter other-

wise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments and bases, 7 CFR part 719.

[52 FR 4269, Feb. 11, 1987, as amended at 61 FR 10672, Mar. 15, 1996; 61 FR 43944, Aug. 27, 1996]

### § 704.3 Administration.

(a) The program will be administered on behalf of CCC under the general supervision of the Administrator of the Farm Service Agency (FSA) and shall be carried out in the field by State FSA committees (STC) and county FSA committees (COC).

(b) The Natural Resources Conservation Service (NRCS) shall determine whether land is highly erodible and suitable for permanent vegetative cover, and the adequacy of the planned conservation practice to achieve the necessary erosion control and shall provide such other technical assistance in the implementation of the CRP as determined necessary.

(c) The Forest Service (FS) or the State Forestry Agency shall provide such assistance as determined necessary for developing and implementing conservation plans which include tree planting as the appropriate conservation practice.

(d) The Cooperative State Research, Education and Extension Service shall coordinate the related information and education program concerning implementation of the CRP.

(e) The FSA shall, in its operating procedures, list the conservation agencies and other agencies, such as the Fish and Wildlife Service, that provide services that may be utilized by FSA in carrying out the program provided for in this part.

(f) Except as provided in paragraph (b), the Deputy Administrator, State and County Operations, FSA (Deputy Administrator), may determine any question arising under the CRP, may reverse or modify any determination made by a STC or COC in connection with the CRP, and may administer any or all phases of the CRP delegated to the COC, STC, or any employee(s) where the COC, STC, or any employee fails to perform a function required in these regulations. In exercising this authority the Deputy Administrator

may authorize a person or persons to carry out the CRP or other function(s) for such period of time as is deemed necessary by the Deputy Administrator.

[52 FR 4269, Feb. 11, 1987, as amended at 61 FR 43944, Aug. 27, 1996]

**§ 704.4 Applicability.**

(a) The CRP is applicable in the 50 States, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

(b) The CRP is applicable to private croplands, Indian tribal croplands, and State or local government croplands that otherwise meet the requirements of eligibility set forth in § 704.7.

**§ 704.5 Maximum county acreage.**

The maximum acreage in a county which may be placed in the CRP may not exceed 25 percent of the total cropland in the county unless CCC determines that such action would not adversely affect the local economy of the county.

**§ 704.6 Eligible person.**

In order to be eligible to enter into a CRP Contract in accordance with this part, a person must be an owner or operator of eligible cropland and—

(a) If an operator of eligible cropland, must have operated such cropland for the period beginning not less than 3 years prior to the close of the applicable signup period of January 1, 1985, whichever is later, and must provide satisfactory evidence that such person will be the operator of such cropland for the CRP Contract period; or

(b) If an owner of eligible cropland, must have owned such cropland for not less than 3 years prior to the close of the applicable signup period, unless:

(1) The new owner acquired such cropland by will or succession as a result of the death of the previous owner;

(2) The new owner acquired such cropland prior to January 1, 1985; or

(3) It is determined that the new owner of such cropland did not acquire such cropland for the purpose of placing it in the CRP.

**§ 704.7 Eligible cropland.**

(a) In order to be eligible to be placed in the CRP, a field must—

(1) Have been annually planted or considered planted to produce an agricultural commodity other than orchards, vineyards, or ornamental plantings in 2 of the 5 crop years, 1981 through 1985;

(2) Be physically possible to be planted to produce an agricultural commodity other than orchards, vineyards, or ornamental plantings;

(3) Consist predominantly of soils that meet the criteria of paragraph (a)(3)(i) or (a)(3)(ii) of this section as specified for CRP contracts for the respective crop years in paragraph (a)(3)(iii) of this section.

(i) Identified as being highly erodible in accordance with § 704.8 of this part and having an erosion rate during the crop years 1981–1985 greater than that recommended by the Soil Conservation Service Field Office Technical Guide.

(ii) Classified by NRCS as being predominantly Land Capability Classes II, III, IV, and V with an average annual erosion rate of 2T or greater, as announced by the Secretary; or being predominantly Land Capability Classes VI, VII, or VIII.

(iii)(A) For CRP contracts entered into pursuant to offers to participate in the CRP submitted during signup periods prior to February, 1987, criteria set forth in paragraph (a)(3)(ii) of this section shall be applicable.

(B) For CRP contracts for the 1988 crop year entered into pursuant to offers to participate in the CRP submitted during the February, 1987, signup, criteria set forth in paragraph (a)(3)(i) of this section shall be applicable.

(C) For all other CRP contracts, criteria set forth in either paragraph (a)(3)(i) or (a)(3)(ii) of this section shall be applicable.

(4) If a redefined field, be a manageable unit which meets the minimum acreage requirements as established by CCC for the county.

(b) Land subject to a contract under the Great Plains Conservation Program, Agricultural Conservation Program, Forestry Incentives Program, Rural Clean Water Program, or similar program contract or land currently